

REMARKS

Claims 16-25 are currently pending in the application, as amended. Claim 16 has been amended to point out that the movable gate is pivotable in the feed cavity between an open position and a compacting position. Support for this amendment to claim 16 can be found in specification paragraphs 46, 49, 50, 58 and 59, originally filed claim 18 and Figs. 2 and 6. Accordingly, no new matter has been added.

CLAIM REJECTIONS

Claim Rejections – 35 U.S.C. § 102

The Examiner rejected claims 16 and 24 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,401,657 (Krishnamurthy). The Examiner argues that Krishnamurthy discloses each and every element of currently pending claims 16 and 24. Applicants respectfully traverse this rejection.

Referring to Figs. 1-4, Krishnamurthy is directed to a pet food feeder 10 including a base member 14 having a housing portion 22 and a bowl portion 20 and a storage bin 12 that is removably mountable to the housing portion 22. An auger 24 is mounted within a tube 30 in the housing portion 22 and a cut-away portion 34 in the tube 30 exposes the auger 24 to pet food from the storage bin 12. In operation, the storage bin 12 is mounted on the housing portion 22 and the pet food is fed by gravity through the opening 34 into the auger 24. The food is dispensed into the bowl 20 by rotating the auger 24 for a predetermined amount of time to dispense a specific amount of food into the bowl 20.

Referring to Figs. 1-5, the present application is directed to a lid 10 for a bowl of a food processor for processing a relatively large size or a large volume of foodstuff. The lid 10 includes a top lid wall 10a and a feed tube 12 extending from the top lid wall 10a. The feed tube 12 includes a continuous inner feed surface 12a that defines a feed cavity 18. A moveable gate 42 is positioned within the feed cavity 18 and is pivotable between an open position and a compacting position.

Amended claim 16 is directed to a lid for a bowl of a food processor and recites, *inter alia*:
a top lid wall;

a feed tube extending from the top lid wall, the feed tube including a continuous inner feed surface that defines a feed cavity; and
a moveable gate positioned within the feed cavity, the moveable gate being pivotable within the feed cavity between an open position and a compacting position.

Applicants respectfully submit that Krishnamurthy does not teach, suggest or disclose each and every element of amended claim 16. Specifically, Applicants respectfully submit that Krishnamurthy does not teach, suggest or disclose a movable gate positioned within the feed cavity of a lid for a bowl of a food processor that is pivotable between an open position and a compacting position. Krishnamurthy discloses a food storage container that is positioned above a housing portion of a base having an auger therein. Even if the auger is considered a gate, the auger is not positioned within a feed cavity that is defined by a continuous inner feed surface of a feed tube on a lid of a food processor. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw any rejection of amended claim 16 based upon anticipation by Krishnamurthy.

Claim 24 is dependent upon amended claim 16. Applicants respectfully request that the Examiner reconsider and withdraw any rejection of claim 24 based at least upon its dependence upon amended claim 16.

The Examiner rejected claims 16-18 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4, 471,915 (Levin). The Examiner argues that Levin discloses each and every element of currently pending claims 16-18. Applicants respectfully traverse this rejection.

Referring to Figs. 1-5, Levin is directed to a food processor 10 including a housing 12, a container 18, a container cover 30 and a wing element 58 mounted to the cover 30. The container 18 is removably mountable to the housing 12, the lid 30 is removably mountable to a mouth of the container 18 and the wing element 58 is pivotally mounted to the lid 30. A feed tube 52 extends generally perpendicularly from an upper surface of the lid 30 and the wing element 58 includes a feed tube segment 62 that extends generally perpendicularly and upwardly relative to a top surface of the lid 30. The housing 12 includes a safety switch 70 therein and the wing element 58 includes a safety switch actuator tongue 68. In operation, the container 18 is mounted to the housing 12, a tool 50 is mounted within the container 18 and the lid 30 is mounted to the mouth of the container 18 to generally cover the tool 50. A relatively large foodstuff may be positioned in the feed tube 52 and the feed tube segment 62 is pivoted such that a guard 64 is positioned over the mouth of the feed tube 52 and the safety switch actuator tongue

68 is in contact with the switch 70. The food processor 10 may operate in this working position as long as the switch 70 is actuated. In the working position, the guard 64 extends over the mouth of the feed tube 52 preventing an average-sized hand to extend through the feed tube 52 such that fingers come into contact with the rotating tool 50. At all times, the feed tube segment 62 is positioned outside of a feed cavity of the feed tube 52.

Amended claim 16 is directed to a lid for a bowl of a food processor and recites, *inter alia*:

a top lid wall;
a feed tube extending from the top lid wall, the feed tube including a continuous inner feed surface that defines a feed cavity; and
a moveable gate positioned within the feed cavity, the moveable gate being
pivotal within the feed cavity between an open position and a compacting position.

Applicants respectfully submit that Levin does not teach, suggest or disclose each and every element of amended claim 16. Specifically, Levin discloses the pivotal feed tube segment that is constantly positioned outside of a feed cavity of the feed tube. In contrast, claim 16 claims that the movable gate is positioned within the feed cavity defined by the continuous inner feed surface of the feed tube. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw any rejection of amended claim 16 based upon anticipation by Levin.

Claims 17 and 18 are dependent upon amended claim 16. Applicants respectfully request that the Examiner reconsider and withdraw any rejection of claims 17 and 18 based at least upon their dependence upon amended claim 16.

Claim 17 also includes the elements that the feed tube includes a slot having a first end adjacent a mouth of the feed tube and a closed second end wherein the slot is at least partially exposed to the feed cavity between the first and second ends and a hub secured to the gate that is removably positionable within the slot. Claim 18 is dependent upon claim 17 and includes the further element that the gate is pivotal within the feed cavity relative to the slot and the hub is pivotal within the slot. Applicants respectfully submit that Levin does not teach, suggest or disclose any of the above-listed elements of claims 17 and 18. Levin teaches that the wing element 58 is pivotal relative to the feed tube 52 about a pivoting pin 56. However, Levin does not teach, suggest or disclose the slot having a first end adjacent a mouth and a second closed end wherein at least a portion of the slot is exposed to the feed cavity between the first and second ends. The pivoting pin of Levin is positioned proximate a center of the lid and is not

exposed between first and second ends to the feed cavity. In addition, Levin does not teach, suggest or disclose a hub secured to a gate, which is pivotable with the feed cavity, that is removably positionable in the slot or that the hub is pivotable within the slot. Again, Levin discloses the pivoting pin and wing element that are each positioned on a top wall of the lid at a distance from the feed tube. Accordingly, Applicants also respectfully request that the Examiner reconsider and withdraw any rejection of claims 17 and 18 based upon anticipation by Levin for the additional above-described reasons.

The Examiner rejected claims 16 and 23-25 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,397,427 (Howard). The Examiner argues that Howard discloses each and every element of claims 16 and 23-25. Applicants respectfully traverse this rejection.

Referring to Figs. 1-4, Howard is directed to a feeding device 10 including a holder 28 and a food pusher 30 that is mounted to a feed tube 14 of a food processor. The feeding device 10 is mounted to a mouth of the feed tube 14 to control small food items within the feed tube 14. The holder 28 includes a guide plate 34 with an opening at one side, a food holding member 32 that extends generally perpendicularly from the guide plate 34 into the feed tube 14 and a pair of handles 50 for manually manipulating the holder 28. Food is introduced into the feed tube 14 through the opening in the guide plate 34 and the guide plate 34 is linearly urged toward the food such that the food is held between the food holding member 32 and an inner surface 44 of the feed tube 14. The feed cavity in the feed tube 14 has a generally rectangular shape with semi-circular ends and the width of the food holding member 32 is positioned in the feed cavity such that its vertical ends are positioned proximate inner sides of the feed tube 14 to generally prevent foodstuff from moving around the edges of the food holding member 32 when the food is being consolidated in a specific position in the feed cavity. The holder 28 is used to urge the food toward a rotating blade 18. As is shown by a double-headed arrow in Fig. 2, the holder 28 moves in a linear path relative to the feed tube 14 based upon the shape and configuration of the holder 28 and its interaction with the feed tube 14.

Amended claim 16 is directed to a lid for a bowl of a food processor and recites, *inter alia*:

- a top lid wall;
- a feed tube extending from the top lid wall, the feed tube including a continuous inner feed surface that defines a feed cavity; and

a moveable gate positioned within the feed cavity, the moveable gate being pivotable within the feed cavity between an open position and a compacting position.

Applicants respectfully submit that Howard does not teach, suggest or disclose each and every element of amended claim 16. Specifically, Howard teaches the holder 28 with the food holding member 32 that is movable in the feed cavity in a linear path relative to the feed tube. The food holding member of Howard is not pivotable within the feed cavity of the feed tube between open and compacting positions, as is claimed in amended claim 16 of the present application. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw any rejection of amended claim 16 based upon anticipation by Howard.

Claims 23-25 are dependent upon amended claim 16. Applicants respectfully request that the Examiner reconsider and withdraw any rejection of claims 23-25 based at least upon their dependence upon claim 16.

Claim 23 also recites, *inter alia*, a food pusher being generally cylindrically-shaped. Howard includes a generally flat or boxy-shaped food pusher that is insertable into the feed cavity. Howard's food pusher is generally flat along its shaft to provide maneuverability for manipulation of relatively small foods within the feed cavity, such as onion stalks, strawberries and other like foods. Accordingly, in our opinion, Howard does not teach, suggest or disclose a generally cylindrically-shaped food pusher, as is claimed in claim 23. Therefore, Applicants also respectfully request that the Examiner also reconsider and withdraw any rejection of claim 23 based upon anticipation by Howard because Howard does not teach, suggest or disclose a cylindrically-shaped food pusher.

Claim 25 is dependent upon claim 24, which is dependent upon amended claim 16 and recites, *inter alia*, a food pusher removably positionable in the feed cavity, the food pusher substantially filling the sub-feed cavity when the movable gate is in the compacting position and the food pusher is in a storage position. Howard does not teach, suggest or disclose a food pusher that substantially fills a sub-feed cavity when the movable gate is in the compacting position and the food pusher is in a storage position. Specifically, Howard includes the generally flat or boxy-shaped food pusher that does not substantially fill a sub-feed cavity when the food pusher is in a storage position and the movable gate is in a compacting position due to the arcuate-shape of the walls of the feed tube of Howard and the food holding member. Therefore,

Applicants further respectfully request that the Examiner reconsider and withdraw any rejection of claim 25 based upon anticipation by Howard for the above-described reason.

Claim Rejections – 35 U.S.C. § 103

The Examiner rejected claim 19 as being unpatentable over Levin (the Examiner confirmed in a telephone conversation with the Undersigned that the reference to Howard in this paragraph was an error) in view of U.S. Patent No. 774,217 (Welke). The Examiner argues that Levin discloses each and every element of currently pending claim 19 except that Levin's movable gate including the hub is not biased toward a compacting position. The Examiner further argues that Welke discloses a movable gate biased toward a compacting position in order to automate safely positioning food items for processing and that it would have been obvious to provide Levin with a movable gate biased toward a compacting position in order to automate safely positioning food items for processing as taught by Welke.

Referring to Figs. 1-3, Welke is directed to a nutmeg grater including a first operating arm (A), a grater-plate (B) with grating holes mounted generally perpendicularly to the operating arm (A), a second operating arm (C) pivotally mounted to the first operating arm (A), a generally cylindrical receptacle (D) mounted to the second operating arm (C) and a resilient arm (G) with a bearing-plate (E). The resilient arm (G) is pivotally mounted to the second operating arm (C) at a lug (L) such that the bearing-plate (E) is typically positioned within the receptacle (D) and biased toward the grater-plate (B). In operation, a nutmeg (F) is positioned in the receptacle (D) and the bearing-plate (E) is positioned on top of the nutmeg (F) to urge the nutmeg (F) toward the grater-plate (B). The second operating arm (C) is then urged toward the first operating arm (A) such that the nutmeg (F) drags across the grater-plate (B) while being urged toward the grater-plate (B) by the bearing-plate (E) to grate the nutmeg (F).

Claim 19 of the present application is dependent upon claim 18, which is dependent upon claim 17, which is dependent upon amended claim 16.

Amended claim 16 is directed to a lid for a bowl of a food processor and recites, *inter alia*:

- a top lid wall;
- a feed tube extending from the top lid wall, the feed tube including a continuous inner feed surface that defines a feed cavity; and
- a moveable gate positioned within the feed cavity, the moveable gate being pivotable within the feed cavity between an open position and a compacting position.

Applicants respectfully submit that any combination of Levin in view of Welke would result in a food processor lid that does not include each and every element of claim 19 of the present application. Initially, as was outlined above, in our opinion, Levin does not teach, suggest or disclose a food processor lid including a movable gate positioned within a feed cavity defined by a continuous inner feed surface of a feed tube. Levin discloses a pivotable feed tube segment that is constantly positioned outside of a feed cavity of the feed tube. Welke discloses a food pusher that urges food toward a cutting blade of a nutmeg grater as opposed to a movable gate positioned in a feed cavity of a feed tube. In our opinion, no combination of Levin in view of Welke would result in a food processor lid including the movable gate positioned within the feed cavity of the feed tube, as is claimed in claim 16, because neither Levin nor Welke teaches this feature.

In addition, claim 17, upon which claim 19 depends, includes the feature that the feed tube includes a slot 44 having an open first end 44A adjacent a mouth of the feed tube and a closed second end 44B wherein the slot is at least partially exposed to the feed cavity between the first and second ends. Applicants respectfully submit that any combination of Levin in view of Welke would not include a slot in the feed tube having an open first end adjacent the feed tube mouth and a closed second end wherein the slot is at least partially exposed to the feed cavity between the first and second ends. Specifically, there is no teaching, suggestion or disclosure in either Levin or Welke of a food processor lid including a slot that is at least partially exposed to the feed cavity. Further, in our opinion, any combination of Levin in view of Welke would not include a hub that is secured to a movable gate and is removably positionable within the slot. Neither Levin nor Welke disclose a slot having a closed second end and an open first end proximate a mouth of the feed tube that is exposed at least partially to the feed cavity and a hub that is removably positionable within the slot.

Further, Applicants respectfully submit that no combination of Levin and Welke would include any of the features claimed in claims 18 and 19 of the present application including the gate and hub being pivotable within the feed cavity and slot, respectively, and the gate being biased toward a compacting position.

Based upon each of the above-listed arguments, Applicants respectfully request that the Examiner reconsider and withdraw any rejection of claim 19 as being unpatentable over Levin in view of Welke.

The Examiner rejected claims 20 and 21 as being unpatentable over Howard in view of Welke. The Examiner argues that Howard includes each and every element of currently pending claims 20 and 21 except for a movable gate biased toward a compacting position and Welke discloses this feature. The Examiner further argues that it would have been obvious to one having ordinary skill in the art to provide Howard with a movable gate biased by a torsion spring toward a compacting position in order to better hold food items, as taught by Welke.

Claim 20 is dependent upon amended claim 16 and recites, *inter alia*, wherein the movable gate is biased toward the compacting position.

Applicants respectfully submit that one having ordinary skill in the art would not modify Howard in view of Welke to bias the food holding member or gate of Howard toward the compacting position. At best, one having ordinary skill in the art would modify Howard to replace the food pusher with the biased resilient arm and bearing plate of Welke to urge food downwardly in the feed tube toward the rotating tool as opposed to biasing the food holding member toward the compacting position. In addition, neither Howard nor Welke provides any motivation for one having ordinary skill in the art to modify the device disclosed in Howard to bias the food holding member toward the compacting position. Welke provides motivation to bias a food pusher or bearing plate downwardly toward a cutting blade/food processing blade, but neither Howard nor Welke provides any motivation to bias a movable gate in a feed tube toward the compacting position. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw any rejection of claim 20 based upon unpatentability over Howard in view of Welke.

Claim 21 is dependent upon claim 20. Applicants respectfully request that the Examiner reconsider and withdraw any rejection of claim 21 based upon unpatentability over Howard in view of Welke based at least upon its dependence upon claim 20 for the above-outlined reasons.

The Examiner rejected claim 22 as being unpatentable over Howard in view of Welke and further in view of U.S. Patent No. 751,159 (Gage). The Examiner indicated in a brief telephone conversation that the recited claim "23" in the last paragraph on page 5 of the Office Action was an error and the Examiner intended to reject claim 22 with the described rejection. The Examiner argues that the modified lid of Howard in view of Welke discloses each and every element of currently pending claim 22 except for a spring secured at one end to a feed tube. The Examiner further argues that Gage discloses a spring secured at one end to a feed tube to provide a compact arrangement of the spring within the feed tube and it would have been obvious to one

having ordinary skill in the art to provide the modified device of Howard in view of Welke with a spring secured at one end to a feed tube in order to provide a compact arrangement of the spring within the feed tube, as taught by Gage.

Referring to Figs. 1-3, Gage is directed to a grating element including a pair of levers 11, 12 pivotally connected to each other at a pivot 13 and biased toward an initial position by a spring 17. A barrel 19 is connected to the first lever 11 and a grater-plate 29 is connected to the second lever 12 and is slideably engaged to the barrel 19 by guides 28. The barrel 19 includes a bottom 22 and a follower 24 that is biased toward the grater-plate 29 by a spring 23. In operation, a foodstuff is positioned on the follower 24 within the barrel 19 and is urged against the grater-plate 29 by the spring 23. A user grasps and squeezes handles 15, 16 on the first and second levers 11, 12 to drag the grater-plate 29 over a surface of the foodstuff. The surface of the foodstuff is grated by the grater-plate 29 and a fresh surface of the foodstuff is urged against the grater-plate 29 by the follower 24 and spring 23.

Claim 22 includes the feature that the torsion spring is secured at one end to the movable gate and at a second end to the feed tube and is dependent upon claim 21, which is dependent upon claim 20, which is dependent upon claim 16.

Applicants respectfully submit that that any combination of Howard in view of Welke and further in view of Gage would not result in a food processor lid including each of the elements of currently pending claim 22 of the present application. Specifically, no combination of Howard in view of Welke and further in view of Gage would result in a food processor lid including a movable gate positioned within a feed cavity of a feed tube wherein a torsion spring is secured at one end to the movable gate and at a second end to the feed tube. The spring of Gage biases a follower or food pusher towards a grater-plate to urge foodstuff onto the grater-plate during operation. Accordingly, no combination of Howard in view of Welke and Gage would include a movable gate positioned within a feed cavity of a feed tube wherein the torsion spring biases the movable gate toward a compacting position. A combination of Howard in view of Welke and Gage would, at best, result in a food pusher that is biased by a spring toward a rotating or sliding tool to urge the foodstuff against the tool. Therefore, this combination would not include a movable gate in the feed cavity of a feed tube that biases the gate toward the compacting position. In addition, there is no motivation for one having ordinary skill in the art to include a spring biased movable gate in the feed cavity of Howard. Welke and Gage provide motivation to spring bias a food pusher toward a tool or sliding grater but not to provide spring

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bias for a gate in the feed cavity to bias the gate toward the compacting position. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw any rejection of claim 22 based upon unpatentability over Howard in view of Welke and further in view of Gage for at least the above-described reasons.

CONCLUSION

In view of the foregoing Amendment and remarks, Applicants respectfully submit that the present application, including amended claims 16-25, is in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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November 23, 2005
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